IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8332 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DISTRICT DEVELOPMENT OFFICER

Versus

DHARMENDRA D PARMAR

Appearance:

MR MUKESH R SHAH for Petitioner

MR YV SHAH for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/04/2000

ORAL JUDGEMENT

Learned advocate Mr. MR Shah is appearing for the petitioner. Learned advocate Mr. YV Shah is appearing for the respondent workman.

In this petition, the petitioner has challenged the impugned award dated 30.6.1999 passed by the labour Court,Godhra in Reference No. 329 of 1995 whereunder the petitioner has been directed to reinstate the respondent with continuity of service and with full back wages for the intervening period. Said award has been passed by the labour court in absence of the petitioner and, therefore, it is an award passed ex parte against the petitioner. According to the petitioner, the respondent was doing job work for doing the work of DPAs and was being paid daily remunerations as per the work done by him and that the respondent was never appointed by the petitioner on monthly salary basis. According to the petitioner, there was no relationship of master and servant between the parties. According to the learned advocate for the petitioner, each month, the respondent was geting round figure of Rs. 1000/- whichwas being paid to the respondent for doing the workof computer. He has further submitted that in the year 1`995, the petitioner was served notice from the labour court, and thereafter, the petitioner and itsofficers were carrying impression that they will beserved with another notice fornext dateof hearing. He has, therefore, submitted that the impugned award should be quashed and set aside since it has been passed ex parte against the petitioner.

Today,when the matter was taken up for hearing, learned advocate Mr.Y.V.Shah appearing for the respondent workman has given consent forsetting aside the ex parte award passed against the petitioner subject to condition that the respondent is paid an amount ofRs. 1000/- p.m. from 30.6.1999 till 30.4.2000 by the petitioner. Learned advocate Mr. M.R.Shah has submitted that the petitioner has no objectionto pay the said amount to the respondent if the impugned award is quashed and set aside with a directionto the labour court to decide the said reference within some reasonable period in accordance with law after hearing the parties.

In aforesaid view of the matter, the impugned award dated 30.6.1999 passed by the labour Court Godhra inReference LCG No. 329 of 1995 is quashed and set aside and the labour court is directed to decide the said reference on merits in accordance with law within six monthsfrom the dateof receiptof writof this court without being influenced by this order passed by this court. The petitioner is further directed to pay to the respondent an amount of Rs. 1000/- each month from30.6.1999 till 30.4.2000 within four weeks from the date of receipt of writ of this court. The petition is allowed to the aforesaid extent. Rule is made absolute in terms

indicated herein above with no order as to costs.

20.4.2000. (H.K. Rathod,J.)

Vyas